MR. A. VIPAN (*Chief Engineer*): Roller No. 1 is in a very bad order and the Boiler Inspector has only sanctioned a working pressure of 50 lbs. which will hardly take it up-hills and even so, he states that I must undertake responsibility which I am not prepared to do, lest in the event of an accident or loss of life I should go to Jail. So, I have not got it repaired. Another roller, roller No. 2, would require Rs. 5,000 for repair. But a new roller costs only Rs. 10,000.

MR. A. THANU PILLAI (*Trivandrum*): May I know why no provision was made for this in the Budget?

MR. A. VIPAN (*Chief Engineer*): As I said before, I wanted to see very carefully before condemning these rollers whether they could be repaired and this information was placed in my hands only subsequent to the Budget discussion.

PRESIDENT: The question is that a sum of Rs. 30,000 be granted under demand XX—Public Works Department.

The grant was made.

LEGISLATION.

THE ABKARI REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Abkari Regulation Amendment Bill, as settled by the Council, be passed.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

The motion was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, The next motion that stands in my name is as regards the Probate Bill. I am not making the motion to-day; I shall move it on a future occasion.

THE TRAVANCORE ADMINISTRATOR—GENERAL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Travancore Administrator-General Bill and move that the Bill as reported be taken up for consideration.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

The motion was carried.

Clause I.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, I beg to move the following amendment:—

After 'force' add "from the 1st day of.....110 " and omit the rest in line 1 of sub-clause (3) in clause I.

My object in moving this amendment is to have the Regulation as complete as possible in itself. According to the proposed Bill there should be a Government notification stating the date on which the Regulation will come into force and so the Regulation as it stands has to

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be supplemented by a Notification. This house is entitled to know on what date it comes into force. Usually except in a very few cases it is clearly stated in the Regulation itself the date of its commencement and the learned Law Member will have to convince the House why there should be a departure from the usual procedure as regards this Bill. What I have to submit is, that if the date of commencement is definitely stated in the Regulation there will be no chance of postponing the date of its commencement and the necessary Rules will be framed and passed before that date. It is stated in the objects and reasons of this Bill that this Bill is proposed to give completeness to the objects in view for passing a law for grant of letters of administration. It has been already under the consideration of the Select Committee; and if the object of Government in bringing forward this Bill is to give completeness to the Probate and Administration Bill, what I say is that this Bill should also become law simultaneously with the Probate and Administration Bill. In the Probate and Administration Bill, what is stated is that it shall come into force on such and such a date. There the date of commencement is clearly specified and so I submit for the consideration of the House that the amendment that I propose may be accepted.

MR N. K. KRISHNA PILLAI (*Neyyattinkara*): I second the amendmement.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I think I must offer a word of explanation as to why as regards the bringing into operation of this measure it is provided that the Government may notify the date. It is no doubt true that this Bill has been introduced to give completeness to the object of the Probate Bill—not the Bill itself-but to the object which actuated the introduction of that measure. When I say that this Bill brings into completeness the objects of the Probate Bill, it does not mean that the Probate Law cannot be worked unless this law is also passed. Everything that is provided for in the Probate Bill can be worked even if there is no Administrator-General Bill or even if there is no Official Trustee Bill and as for the matter of that, I may inform the House that there is no Administrator-General or Official Trustee either in Cochin or in Mysore although there is a law for Probates there.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Then what is the reason for introducing it here, and what is the difference between those States and our State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall explain that. The object of the Government in introducing the Probate measure is to provide for the administration of estates of deceased persons. It may happen sometimes that there may not be anybody to come forward to administer the estates. So the Government thought it would be advisable to provide for a public administrator to step in when such emergencies arise. It is for that purpose this Bill has been introduced and it does not mean that if this Bill is postponed the Probate Law cannot be worked.

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Then as for the suggestion that this Bill should be brought into force on a date that may be specified by the Council itself rather than on a day fixed by Government, I may bring to the notice of the House that the latter is perhaps more convenient. This measure imposes two positive obligations on Government to be discharged before the Law could be worked. One is, that they should appoint an Administrator-General and the second is that they shall pass certain Rules for bringing this law into operation. These will take some time and it will be more convenient to leave the fixing of the date of operation of this measure to Government rather than that they should be bound to a particular date. No doubt it is possible to say that all these things should be done within a particular time, say a year or so and that I should estimate that period and put a longer period even and fix the date of operation say two years hence. But it seems to me that it would be more convenient to trust the Government in this matter to bring it into operation as early as possible.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How many years is it since the Village Panchayat Regulation has been passed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): About three years.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have the Rules been passed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, but draft rules are published for public criticism.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Could not the Government postpone the operation of the law.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the date is specified by the Legislature the Government cannot postpone it. In this particular instance if the rules have to be passed the drafts may have to be published in the Gazette for public criticism and all these things may take some time and Government may be trusted to do all that. It is only a question of convenience; not that the Government wants to put off the measure indefinitely or for a long time. If the House considers that, it will be more convenient.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the date is not fixed now, does not the Law-Member think that there will be some delay here also as in the case of the Village Panchayat Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. In fact if Government wanted to put it off, there was no necessity for introducing this measure.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Quite so. I do not see any reason why it should be postponed to an indefinite period.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is possible when I come for the third reading of the Bill to put in a clause for the commencement of the measure some two or three years hence and satisfy Mr. Asan's point. But is it to anybody's good?

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Could not the Law Member anticipate the reasonable period?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Oh yes, but I will have to err on the other side and estimate a too long period because certain definite obligations have been put on Government before the measure could be made to operate.

MR. A. S. DAMODAAN ASAN (*Mavelikara* cum *Kartikapalli*): An attempt may be made not to err.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be made. But why not trust Government?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I take it that there is no technical objection in accepting the amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I understand the point. He refers apparently to the blank to be filled up-in Mr. Asan's amendment. The blank will be filled at the third reading if Mr. Asan's amendment is accepted. Mr. Asan's point at present is only that it should not be left to Government to fix the date of the commencement of the measure. In regard to that, I think that the House may trust Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In view of the assurance given by the Law Member I do not press my amendment.

The amendment was, by leave, withdrawn.

Clause 3.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move that the following be added as sub-clause (2) to clause 3:—

After "unless he is a Vakil," in line 1, Sub clause 2 "eligible to a Munsiff's post under the Travancore Service Regulation," and omit the rest.

Then the clause as amended will read as follows:—

"No person shall be appointed as Administrator General unless he is a Vakil eligible to a Munsiff's post under the Travancore Service Regulation".

My object in moving this amendment is that now it is stated that "no person shall be appointed as the Administrator-General unless he is a Vakil of the High Court of Travancore of not less than 5 years' standing, or, has held a Judicial Office under Our Government not inferior in rank to that of a Judge of a District Court."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is a prior amendment by the Member in respect of clause 3 to add something at the end of sub-clause (1). I wish to know whether he is moving that amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): No. As regards that I beg to withdraw that amendment.

PRESIDENT: As you have proceeded to the second amendment I must presume that you are not moving the first amendment.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : My object is to make the expression "or has held a Judicial Office under Our Government not inferior in rank" cover a wider field. The expression now means that even persons who have held judicial offices under Government and have retired are also eligible for appointment as Administrator-General. There is the implication that he must be a person of high status entitled to a remuneration, which has to be met from the estates of the deceased. As the Government should always see that the estate of the deceased is not deprived of a large part of its income for paying the Administrator-General I am suggesting that this amendment be made so that the remuneration to the officer might be a smaller amount. With that object in view I move that the amendment may be accepted.

MR. V. CHELLAM PILLAI (*Tovala*) : I second the amendment.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : Sir, in supporting the amendment of Mr. Damodaran Asan, I have to place before the Council this fact that in the original it is seen that a Vakil of the High Court of Travancore of not less than 5 years' standing. In the amendment no person shall be "appointed as Administrator General unless he is a Vakil eligible for a Munsiff's post under the Travancore Service Regulation". So the difference between the two is the question of standing as a Vakil and whether he should be a pleader in the High Court or of a District Court. So far as legislation is concerned, it does not in any way affect the construction of the law. So the minimum qualification to be an Administrator is the question now under consideration which forms a prominent factor in Mr. Asan's amendment. I think it would be better to refer the whole question to the Judicial Department so far as the question of merit of a particular individual is concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is the member seconding the amendment.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : I am supporting the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Nobody has seconded it.

PRESIDENT : Mr. Chellam Pillai has seconded it.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : So, on principle it is well that the status of the Administrator-General should be that of a person who is eligible to be a Munsiff. So I would request Mr. Asan to delete that particular portion of the amendment, as an amendment to an amendment, which may be out of place. I support the amendment of Mr. Asan deleting the word "Munsiff's place".

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : To delete which portion ?

PRESIDENT : You will have to stand up or sit down, Mr. Asan.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I think I have formally to oppose this amendment. It

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[Mr. Kayalam Paramesvaran Pillai.]

will be noticed if members will kindly look into the Bill as introduced that no qualification whatever was fixed for the office of Administrator-General. The idea in my mind at that time was that since the responsibility for the office and its working was put on the Government they may fix up a proper person—any person whom they considered eligible. So I did not think that there was any necessity for any qualification being prescribed in the Bill itself. But the Select Committee thought otherwise (and I do not say that they were wrong), that some minimum qualification should be fixed in the Regulation itself and accordingly the clause which is now in the Bill namely that "No person shall be appointed as the Administrator-General unless he is a Vakil of the High Court of Travancore of not less than five years' standing, or has held a judicial office under Our Government not inferior in rank to that of a Judge of a District Court" was introduced. Thus, the field of selection was restricted. Mr. Asan's amendment is to give Government a wider field. Looking at it in that light I have no objection to the amendment but having regard to the views of the Select Committee that some qualification ought to be prescribed in the Regulation itself—a qualification which would suggest that the Administrator-General should be of the status of a District Judge—I think I must oppose the amendment. Even if the amendment is passed by this House and the Governments' field of choice is widened I may assure the House that Government will appoint only proper persons. But if the House wants to introduce some minimum qualification in the Regulation itself and suggest thereby the status of the officer, then Mr. Asan's amendment will go counter to the view of the Select Committee. Therefore in formally opposing the measure, I would say that I leave it entirely to the other side of the House to judge the matter.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know the qualification of the Administrator-General in British India?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Practically the same. No particular standing is fixed for the lawyer there. Any Barrister, Advocate or a High Court Vakil and no particular standing is prescribed. The functions of an Administrator-General are of a judicial or a quasi-judicial character and what he does and the manner of doing it might react upon the estate of deceased persons in a prejudicial manner, if he is not honest and not well-versed in law. So it is necessary that the man who is appointed has some local experience and has some legal training and if this House wishes to leave it to Government to decide in each individual case the Government will certainly do the proper thing. But whatever the House may do to prescribe a qualification they should not suggest that the office of the Administrator-General is of the status of a Munsiff. I would with these words formally oppose the amendment.

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MR. A. THANU PILLAI (*Trivandrum*) :- Sir, I oppose the amendment. No doubt in the Bill as drafted originally, no qualification was fixed for the Administrator-General. But in the Select Committee it was thought that in view of the nature of the functions of the Administrator- General he should have some prescribed qualification and that the person appointed to that post must be equipped with a knowledge of law. It will be seen that in certain cases the estates of deceased persons will be compulsorily placed in the possession of the Administrator-General. So it is the duty of the legislature to see that every possible precaution is taken that under no circumstances is the person who is entrusted with the duty of the administration of the estate unfit to discharge it. The clauses 7, 8, 18, 21 and so on of the Bill will bear out my statement. Clause 21 provides that—

"(1) The High Court on application made to it give to the Administrator-General any general or special direction as to any estate in his charge or in regard to the administration of any such estate.

(2) Applications under sub-section (1) may be made by the Administrator-General or any person interested in the assets or in the due administration thereof."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it Mr. Thanu Pillai's view that a person who is eligible for Munsiff's post will not be fit to discharge the functions of the Administrator—General ?

MR. A. THANU PILLAI (*Trivandrum*) : I am afraid superior qualifications are necessary for the post of Administrator-General. In the case of a Munsiff his work is being supervised regularly by superior courts. In the case of the Administrator-General, strictly speaking, there is no such higher authority to supervise his work so closely.

MR. MATTHEW MURIKKAN (*Vaikam*) : Is not the work of the District Judge supervised by a higher authority ?

PRESIDENT : You cannot remain seated while asking a question or making a speech. You will have to rise, Mr. Matthew Murikkan.

MR. A. THANU PILLAI (*Trivandrum*) : It is a matter of common knowledge that persons of not much experience in the working of law are appointed as Munsiffs. That is not the case with District Judges.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I point out to Mr. Thanu Pillai in regard to the functions of the Administrator-General that under the clause just now read by him the Administrator-General has to satisfy himself only of questions of *fact* and not questions of *law* ?

MR. A. THANU PILLAI (*Trivandrum*) : There are other clauses too besides the one referred to by me just now ; for instance clause 18 which says :

"(1) when the Administrator-General has given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending the claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of",

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Under this Section the Administrator-General has to decide whether a particular claim is valid or not and whether payment has to be made out of the estate, and to meet the valid claims. All this requires considerable experience and knowledge of law.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Does the member think that the action taken by the Administrator-General under the Section that he just now read out, will be final?

MR. A. THANU PILLAI (*Trivandrum*) : It may or may not be final. My only point is this. The Administrator-General has to discharge these functions, and, after all, his work cannot be very minutely scrutinised. So, misconduct, corruption or inefficiency on his part may entail loss even to Government in some cases.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Does Mr. Thanu Pillai presume that the work turned out by a person eligible for Munsiff's post will always be bad?

MR. A. THANU PILLAI (*Trivandrum*) : I do not understand how my argument leads to that inference. My point is that for the post of Administrator-General it will be very desirable to have a person having real experience in the working of law, one who is equipped with a good knowledge of law.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the member think that a District Court Vakil who has put in a large practice would be unfit to discharge the duties of the Administrator-General?

MR. A. THANU PILLAI (*Trivandrum*) : I cannot say. But then, it is a matter of common knowledge that Vakils who practise in the High Court are as a general rule better than those who practise in District Courts.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : May I point out to the member that it is after all the payment of Rs. 350, for enrolment as a High Court Vakil, that differentiates the District Court Vakil from the High Court Vakil? So, is it the member's point that a vakil should not be eligible for this post for the simple reason that he has not paid this Rs. 350?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Are there not District Court Vakils who are not qualified to and who could not become High Court Vakils?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Are there not District Court Vakils who are eligible to become High Court Vakils?

MR. A. THANU PILLAI (*Trivandrum*) : It is District Court Vakils that are generally enrolled as High Court Vakils.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Then, is it discretionary to place such restrictions on District Court Vakils?

MR. A. THANU PILLAI (*Trivandrum*) : Some qualification has to be prescribed and adopted. The Select Committee fixed it as five years' standing as a High Court Vakil. Not that there may not be vakils

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practising in the District Courts who are equal to the task. But such cases are rare.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know the basis on which Mr. Thanu Pillai says that such District Court Vakils would be very rare?

MR. A. THANU PILLAI (*Trivandrum*) : I do not mean that such cases will be very rare. But, selection will be difficult. There are District Court Vakils who are not graduates-in-law.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I point out to the member that such vakils are not eligible for Munsiff's posts.

MR. A. THANU PILLAI (*Trivandrum*) : They are eligible for Munsiff's posts.

MR. MATTHEW MURIKKAN (*Vaikam*) : Are not Munsiffs selected from the staff of the High Court?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. MATTHEW MURIKKAN (*Vaikam*) : So, does not the member think that there is nothing special in the case of the High Court Vakils?

MR. A. THANU PILLAI (*Trivandrum*) : Not that. To me it seems that some high qualification has to be prescribed.

I may in this connection mention one other fact. Even in the case of the Official Receivers the remuneration given to them is in accordance with the work turned out by them. But in this case that is not the proposal. Government are going to appoint the Administrator-General as an officer and so the Select Committee thought that the Administrator-General should be an officer of high status, of the status of at least a District Judge. So, I oppose the amendment. I may also say that I am not very keen in having a vakil of five years' standing in the High Court bar itself. But they must at least be graduates-in-law with sufficient experience either in the High Court or the District Court. I oppose the qualification that the amendment seeks to prescribe.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : What should be the standard,—the number of years' standing or the number of cases on the file?

MR. A. THANU PILLAI (*Trivandrum*) : Ordinary rules have to be followed. Generally it is the number of years of standing that is taken as the basis in such matters.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Have superior qualifications done any harm to any good law?

MR. A. THANU PILLAI (*Trivandrum*) ; Not to my knowledge.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I also wish to oppose the amendment. When the Bill was introduced in the Council, it was seriously objected to on account of the absence of a provision definitely laying down the qualification of the person to be appointed as Administrator-General. It was also stressed at that time that in these

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[Mr. K. P. Nilakanta Pillai.]

two Bills, the Administrator-General Bill and the Official Trustee Bill, the appointment of *proper* persons is the most important thing and that that should not be forgotten by the learned mover of the Bill. It was with these observations that the Bill was referred to the Select Committee. And we, as members of the Select Committee, introduced this particular clause, definitely laying down the qualification for the post of Administrator-General as well as Official Trustee, after referring to the provision in the British Indian enactment of 1913 which definitely lays down that the person to be appointed as Administrator-General should be a Barrister or an Advocate or Vakil enrolled in the High Court, or a person holding the office of Deputy Administrator-General at the commencement of the Act. The members of the Select Committee, it need hardly be said, were guided by this definite provision in the British Indian enactment. As a matter of fact, we wanted to be more definite about the qualification of the person eligible for this post. In the course of the deliberations of the Select Committee it was suggested that even executive officers like Magistrates and Tahsildars with experience in revenue work might be made eligible for the post of Administrator-General or Official Trustee. But we said that since it was a very important measure and since the person appointed would have to deal with extensive properties in Travancore, we must raise the status of the person to be appointed as far as possible. That is why we wanted to insert the present clause and fix the qualification by bringing it in a level with the provision in the British Indian enactment. In British India the person must be a Barrister, or an Advocate or Vakil enrolled in the High Court. We have also made a similar provision here. The Committee did nothing to restrict District Court Vakils from becoming High Court Vakils and from being appointed as Administrator-General. That was not the object of the Committee. As far as possible we wanted to keep that provision beyond serious criticism from the non-official members of the House.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the member know that, in British India, the High Court alone has the jurisdiction to grant letters of administration?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I know that; that is why we have laid down that the person to be appointed as Administrator-General should be of the status of a District Judge.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But here District Courts can grant lettters of administration.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For the convenience of the people of Travancore the District Courts, being also courts with original jurisdiction, have been given the power to grant letters of administration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Enrolment as a Vakil of the High Court is fixed as the minimum qualification for the post in British India since there the High Court alone can grant letters of administration.

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My friend is labouring under a misapprehension. If a raw man is appointed as Administrator-General even before he is enrolled as a Vakil of the High Court, that will prejudicially affect the interests of the estate to be administered.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : But even then in British India a Vakil of the High Court may know the procedure better in regard to letters of administration.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is exactly the reason why we laid down that as the qualification. A Vakil of the High Court is expected to be better equipped with knowledge of law and capacity to tackle legal problems under the provisions of the Bill. Summarising, Sir, the main point we considered in the Select Committee in making the provision was that the person appointed as Administrator-General must be competent and above suspicion. With these observations I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I press the amendment.

PRESIDENT : Mr. Asan, I would like you to consider one aspect of the question. You wish to establish a standard of qualification. And in your amendment you seek to include somebody eligible for the appointment. You have apparently lost sight of the fact that the legislature, if your amendment is carried, would establish nothing as the standard of qualification since the qualification prescribed by your amendment is variable and may be altered from day to day by Government. If you legislate, you legislate for something that cannot be completely altered or annulled tomorrow by the executive or the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I say a word by way of explanation?

PRESIDENT : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Even if the qualification for the Munsiff's post is altered, certainly, the standing in the Bar and efficiency will be taken into account.

PRESIDENT : Not necessarily ; anybody may perhaps become eligible for a Munsiff's post whether he knew law or not.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : As things stand at present and as long as Government is administered as at present, we expect that judicial officers who have to discharge onerous duties will be selected only from persons who satisfy certain minimum qualifications as regards knowledge of law. So, even if any alteration is made in the minimum qualification for Munsiffs' posts, I hope it will not be such as to affect materially the status of the Administrator-General. I am sure only duly qualified persons will be made eligible for Munsiffs' posts so far as Travancore is concerned. I know that the Government

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[Mr. A. S. Damodaran Asan.]

of Travancore will always be careful in prescribing suitable minimum qualifications for Munsiffs' posts as for other Government appointments. It is with that view that I have brought forward this amendment.

I request I may be permitted to press the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have hardly anything to add to what I have already stated. As I said, Government have no objection to have a wider field. If the House really wants the field to be widened, let there be no restriction whatever for the field. Leave it entirely to Government, and Government will appoint only proper persons. But, if you want to import any restriction, let not that suggest that the status of the Administrator-General is that of a Munsiff only.

The amendment was put to the vote of the House and lost.

The question that clauses 1, 2 and 3 of the Bill do form part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

The Council adjourned for lunch at 2-17 P. M. and reassembled at 3-4 P. M.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am not moving any of the amendments to this Bill.

The following amendments were not moved :—

Clause 4.

MR. A. S. DAMODARAN ASAN :

Line 1 : Substitute "*shall*" for "*may*".

Line 2 : After "*general*" add "*in all the Districts other than Trivandrum*" and substitute "*every*" for "*any*".

Clause 10.

MR. A. S. DAMODARAN ASAN :

Line 4 : Omit "*within such period as to the judge seems reasonable*".

Clause 18.

MR. A. S. DAMODARAN ASAN :

Sub-clause (1): Add at the end, "*if proceedings specified in sub-clause* (2) *are not commenced*".

Clause 33.

MR. A. S. DAMODARAN ASAN :

Sub-clause (2) (*a*) : *Line 2* . Omit "*if any*".

The question that clauses 4 to 40 of the Travancore Administrator-General Bill do form part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill as now settled by the Council be taken up on a subsequent day and passed.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

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The motion that the Bill as settled by the Council be taken up on a subsequent day and passed was carried.

THE TRAVANCORE OFFICIAL TRUSTEE BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the Report of the Select Committee on the Travancore Official Trustee Bill and beg to move that the Bill as reported be taken up for consideration.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

The motion was carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I am not moving any amendment to this Bill.

The following amendments were not moved :—

Clause 1.

MR. A. S. DAMODARAN ASAN:

Sub-clause (3). *Line 1.* After "*force*" add "*from the 1st day of.....110 .*" and omit the rest.

Clause 3.

MR. A S. DAMODARAN ASAN:

Renumber the clause as clause 3, sub-clause (1), and add at the end "*with office at Trivandrum*".

Add the following as sub-clause (2) :—

"*No person shall be appointed as Official Trustee unless he is a Vakil eligible for a Munsiff's post under the Travancore Service Regulation.*"

Clause 4.

MR. A. S. DAMODARAN ASAN:

Line 1. Substitute "*shall*" for "*may*" and add "*in all the Districts other than Trivandrum*" after "*Trustee*".

Line 2. Substitute "*every*" for "*any*".

Clause 23.

MR. A. S. DAMODARAN ASAN:

Sub-clause (2) *line 3.* After "*District Court*" omit "*at Trivandrum*" and add "*within whose jurisdiction the trust property is situated.*"

Clause 28.

MR. A. S. DAMODARAN ASAN:

Sub-clause (2) (*a*), *line 2*, omit "*if any*".

The question that clauses 1 to 29 of the Travancore Official Trustee Bill do form part of the Bill was then put and carried.

The clauses were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill as now approved by the Council be taken up at a subsquent meeting and passed.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

The question that the Bill as now approved by the Council be taken up at a subsequent meeting and passed was carried.

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